

Application No. 09/592,404

Applicants on July 25, 2005. The Examiner contends that this information is necessary due to the large quantity of document supplied in that IDS. However, Applicants are only required to provide the Examiner with information already known to or easily attainable by the Applicants, and are not required to conduct an in-depth search or review to determine information that is not currently known to the Applicants. See MPEP § 704.12(a), page 700-11, first column, first full paragraph (3rd Rev., August 2005)

A. Voluntary Concise Explanations of Relevance for English Language Documents

The Applicants appreciate the Examiner's concern that the IDS filed on July 25, 2005 contains a large volume of material. This large volume of material includes U.S. patents, U.S. patent application publications, foreign patents, and English language publications. The Applicants recognize that the prior art of the IDS filed on July 25, 2005 is voluminous but it is not the Applicants' intent to "bury" any patents or publications that maybe more pertinent than other ones. The Applicants do not want to dismiss any reference that they are aware of as cumulative in order to prevent third parties from arguing that the Applicants intentionally did not submit any prior art in an effort to deceive the Examiner at the Patent Office. See Semiconductor Energy Laboratory Co. v. Samsung Electronics Co., 204 F.3d 1368, 1376, 54 USPQ2d 1001, 1007 (Fed. Cir. 2000) that is cited by MPEP § 609.04(a), page 600-149, first column, second full paragraph (3rd Rev., August 2005).

To assist the Examiner in reviewing the IDS of July 25, 2005, the Applicants have conducted a key word search of each U.S. patent and U.S. patent application publication listed on the IDS form PTO-1449 filed with the IDS on July 25, 2005. The Applicants used the following search terms in their query of the U.S. patents and U.S. patent applications publications: (1) "computer\$"; (2) "(variable\$ or level\$ or degree\$)" (3) "(scan or scann\$)", (4) "secur\$", and (5) "network\$." The Applicants used Boolean logic when performing this search in which each term was linked by the logical connector "AND." A search of these U.S. patents and U.S. patent application publications using the aforementioned terms and Boolean search logic yielded the following results (57 patents and 5 publications that were cited on the PTO-1449 form in the July 25, 2005 IDS submission):

U.S. Patents
U.S. Patent No. 5,032,979 to Hecht et al.

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U.S. Patents
U.S. Patent No. 5,359,659 to Rosenthal
U.S. Patent No. 5,414,833 to Hershey et al.
U.S. Patent No. 5,440,723 to Arnold et al.
U.S. Patent No. 5,475,839 to Watson et al.
U.S. Patent No. 5,649,185 to Antognini et al.
U.S. Patent No. 5,764,890 to Glasser et al.
U.S. Patent No. 5,796,942 to Esbensen
U.S. Patent No. 5,815,574 to Fortinsky
U.S. Patent No. 5,832,208 to Chen et al.
U.S. Patent No. 5,842,002 to Schnurer et al.
U.S. Patent No. 5,919,258 to Kayashima et al.
U.S. Patent No. 5,940,591 to Boyle et al.
U.S. Patent No. 5,983,348 to Ji
U.S. Patent No. 5,987,610 to Franczek et al.
U.S. Patent No. 6,006,016 to Faigon et al.
U.S. Patent No. 6,016,553 to Schneider et al.
U.S. Patent No. 6,041,347 to Harsham et al.
U.S. Patent No. 6,061,795 to Dircks et al.
U.S. Patent No. 6,070,190 to Reps et al.
U.S. Patent No. 6,081,894 to Mann
U.S. Patent No. 6,094,731 to Waldin et al.
U.S. Patent No. 6,185,689 to Todd, Sr. et al.
U.S. Patent No. 6,205,552 to Fudge
U.S. Patent No. 6,226,372 to Beebe et al.
U.S. Patent No. 6,271,840 to Finseth et al.
U.S. Patent No. 6,272,641 to Ji
U.S. Patent No. 6,275,938 to Bond et al.
U.S. Patent No. 6,298,445 to Shostack et al.
U.S. Patent No. 6,301,668 to Gleichauf et al.
U.S. Patent No. 6,321,338 to Porras et al.
U.S. Patent No. 6,324,647 to Bowman-Amuah
U.S. Patent No. 6,347,374 to Drake et al.
U.S. Patent No. 6,353,385 to Molini et al.
U.S. Patent No. 6,405,318 to Rowland
U.S. Patent No. 6,405,364 to Bowman-Amuah
U.S. Patent No. 6,438,600 to Greenfield et al.
U.S. Patent No. 6,460,141 to Olden
U.S. Patent No. 6,484,203 to Porras et al.
U.S. Patent No. 6,519,647 to Howard et al.
U.S. Patent No. 6,530,024 to Proctor
U.S. Patent No. 6,535,227 to Fox et al.
U.S. Patent No. 6,546,493 to Magdych et al.
U.S. Patent No. 6,574,737 to Kingsford et al.
U.S. Patent No. 6,578,147 to Shanklin et al.

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U.S. Patents
U.S. Patent No. 6,584,454 to Hummel, Jr. et al.
U.S. Patent No. 6,601,190 to Meyer et al.
U.S. Patent No. 6,606,744 to Mikurak
U.S. Patent No. 6,647,400 to Moran
U.S. Patent No. 6,661,904 to Sasich et al.
U.S. Patent No. 6,681,331 to Munson et al.
U.S. Patent No. 6,691,232 to Wood et al.
U.S. Patent No. 6,704,874 to Porras et al.
U.S. Patent No. 6,708,212 to Porras et al.
U.S. Patent No. 6,711,615 to Porras et al.
U.S. Patent No. 6,725,377 to Kouznetsov
U.S. Patent No. 6,775,780 to Muttik

U.S. Patent Application Publications
U.S. Patent Application Publication No. 2001/0034847 to Gaul, Jr.
U.S. Patent Application Publication No. 2002/0144156 to Copeland, III
U.S. Patent Application Publication No. 2003/0088791 to Porras et al.
U.S. Patent Application Publication No. 2003/0212903 to Porras et al.
U.S. Patent Application Publication No. 2004/0010718 to Porras et al.

The Applicants submit that these search terms cannot be interpreted as providing emphasis on these terms when the claims are interpreted and construed by both the Examiner and the courts. The Applicants merely selected these terms to identify the prior art that may be more relevant than prior art that do not contain these search terms.

To further assist the Examiner, the Applicants have organized each of the U.S. Patents and U.S. Patent Application Publications according to classification. For the non-U.S. patent prior art, the Applicants annotated form PTO-1449 of the July 25, 2005 IDS submission with the location of each document in a respective box.

B. Non-Patent Information Contained in Boxes Submitted with the IDS of July 25, 2005

In addition to the information about the U.S. patents and U.S. patent application publications that has been voluntarily provided above, the Applicants further submit that Boxes 1 and 2 of the July 25, 2005 IDS contain mostly non-patent, English language publications that have been published by third parties and that are known by the Applicants and the current assignee of the instant application. Box 3 of the July 25, 2005 IDS contains mostly non-patent,

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English language publications that have been published by the current assignee of the instant application.

With respect to the non-patent, English language publications that have been published by the current assignee of the instant application and that can be found in Boxes 2, 3, and 4, the Applicants submit that many of these publications relate to security software products that have been sold by the current assignee of the instant application over the past several years. Some of these security software products have been sold under, but are not limited to, the following trade names or product names:

- Real Secure™;
- Safe Suite;
- System Security Scanner;
- System Scanner™;
- Database Scanner; and
- Internet Scanner™;

The products mentioned above and their corresponding non-patent, English language publications listed in the IDS of July 25, 2005 generally describe security assessments and intrusion detection tools that can identify and report potential computer system weaknesses relative to computer security threats.

C. Compliance with 37 C.F.R. § 1.105

Applicants and the assignee believe the information provided above constitutes a complete reply under 37 C.F.R. § 1.105. Any additional information regarding specific explanations of each document in the July 25, 2005 IDS or specifically pointing out the relevant sections of each document listed in the IDS is unknown and/or is not readily available to the Applicants and the assignee.

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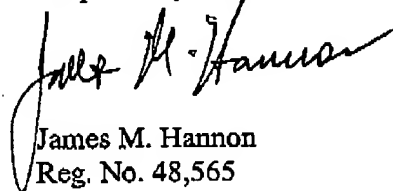
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CONCLUSION

The foregoing is submitted as a full and complete response to the Official Action mailed on March 3, 2006. The Applicants exerted additional time and voluntary effort to assist the Examiner so that if a patent is ever issued on this patent application, third parties will understand that the Applicants submitted the prior art of July 25, 2005 on a good faith basis and without any deceptive intent.

If the Examiner has any additional questions concerning the IDS of July 25, 2005, he is requested to contact the undersigned at 404.572.4691.

Respectfully submitted,



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